

Application No.: 09/657,431

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Docket No.: 500862001400

REMARKS

Reconsideration is respectfully requested.

In this submission, Applicants have cancelled claim 2 and amended claims 1, 3, 5, and 6. After entry of these amendments, claims 1, 3-6, 10-12, and 19-21 will be pending.

Applicants expressly reserve the right to pursue in future patent applications claims of the same or similar scope to those amended or cancelled in this submission.

Applicants have amended claim 1 to replace "a peptide corresponding to a region of mammalian plasminogen," with "a kringle 5 peptide." Applicants have amended claims 3, 5, and 6 to conform the dependency with newly amended claim 1 and to correct informalities.

No new matter has been added by the amendment. Support for newly amended claim 1 is found throughout the application, including at page 2, lines 21-26.

Double Patenting

Claims 19-21 are provisionally rejected under 35 U.S.C. 101 as allegedly claiming the same invention as that of claims 19-21 of co-pending Application No. 09/623,543 (filed September 5, 2000).

Claims 1-6 and 10-12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-6 and 10-12 of co-pending Application No. 09/623,543 (filed September 5, 2000).

Applicants note that claims 1-6, 10-12 and 19-21 of co-pending Application No. 09/623,543 were cancelled in an amendment filed September 14, 2004.

The statutory and non-statutory provisional double patenting rejections are therefore moot.

Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 101 and withdrawal of the rejection under the judicially created doctrine of obviousness-type double patenting.

Claim Rejections-35 USC §112

Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement.

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Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 1 is allegedly indefinite for the recitation of the phrase "a peptide corresponding to region of mammalian plasminogen".

Claims 2-6 are rejected for depending from rejected claims.

The Examiner rejected claims 1-6 under 35 U.S.C. 112, first paragraph as lacking written description for the genus of peptides corresponding to a region of mammalian plasminogen, and under 35 U.S.C. 112, second paragraph as being indefinite because it is unclear in the phrase "peptide corresponding to a region of mammalian plasminogen" to which region the peptide corresponds and to which mammalian plasminogen the peptide corresponds.

In this submission, Applicants have replaced, in claim 1, the phrase "a peptide corresponding to a region of mammalian plasminogen" with the phrase "a kringle 5 peptide". Claim 1 as amended complies with 35 U.S.C. 112, first and second paragraphs and the Examiner is respectfully requested to withdraw the rejections of claims 1-6.

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CONCLUSION

In view of the above, each of the pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and to pass this application to issue.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 500862001400.

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Respectfully submitted,

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